IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 422 OF 2005

Green Crest Co-op. Housing
Society Ltd. & Ors. .. Petitioners

V/s

State of Maharashtra & Ors. .. Respondents

Mr. Ahmed Abdi i/b Abdi & Co. for the Petitioners.

Ms. P.A. Purandare for Respondent No.2.

Mr. Nitin Pradhan with Ms. Shubhada Khot for Respondent No.3.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 22ND FEBRUARY 2005

P.C. :

1. Heard the learned counsel for the parties.

2. The first three Petitioners are housing societies situated in Andheri (West) on a road known as Yamuna Nagar Road. A 22 feet wide access road exists between the 1st Petitioner and the 3rd Petitioner Societies going to the Respondent No.3 School. The grievance in the petition is that the access is too

narrow and when the buses to the school will ply or when they are parked, it will lead to congestion. The prayer, therefore, is that the school itself should not be permitted and the permission to Respondent No.3 School for construction on the concerned plot be directed to be withdrawn.

3. Ms.Purandare, learned counsel for Respondent No.2, has pointed out that the road is not 20 feet wide but 30 feet wide. She has pointed out that the school is being located at the particular place as per the requirements of the development of the area.

4. Mr.Pradhan, learned counsel for Respondent No.2 Education Society, has made a statement that the school will see to it that the buses are not parked on that access, but will be parked inside the school premises. He further pointed out that the timing of the school is from 8.00 a.m. to 3.00 p.m. Thus the school buses will come before 8.00 a.m. and will leave immediately after 3.00 p.m. He submits that on both these times, there will not be any congestion since it is not within peak hours.

5. We quite see the difficulties canvassed by the

Petitioner Societies, but in view of the statement made by Mr.Pradhan, in our view, the difficulties raised will be taken care of. No reason to interfere. Petition is dismissed.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)